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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 1871—L.W. 82-51-2, dated Bangalore, the 7th August 1951.

The draft of the following Regulations which are proposed to be made in exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926) is hereby published for the information of all persons likely to be affected thereby as required by section 30 of the said Act.

Notice is hereby given that the draft will be taken into consideration after three months from the date of publication of the draft Regulations in the *Mysore Gazette*.

Objections or suggestions, if any, to the draft Regulations may be forwarded to the Legal Remembrancer and Secretary to Government, Law Department, Public Offices, Bangalore, for consideration so as to reach him before the said period.

Mysore Trade Unions Regulations, 1951.

Title and application.

1. These regulations may be called the Mysore Trade Unions Regulations, 1951.

Definitions.

2. In these regulations—

(*a*) "the Act" means the Indian Trade Unions Act, 1926.

(*b*) "Form" means a form appended to these regulations.

(*c*) "Section" means a section of the Act.

Applications for registration

3. Every application for registration of a Trade Union under section 4 shall be made in Form A.

Register of Trade Unions.

4. The Register of Trade Unions referred to in section 8 shall be maintained in Form B.

Certificate of registration.

5. The certificate of registration issued by the Registrar under section 9 shall be in Form C.

Cancellation or withdrawal of registration.

6. (1) Every application for cancellation or withdrawal of registration under clause (*a*) of section 10 shall be signed by the Secretary and seven or more members of the trade union and the seal of the trade union shall be affixed thereto.

(2) There shall be appended to every such application a certificate signed by the members making it to the effect that the statements contained in the application are to the best of their knowledge and belief true.

(3) Upon an application for the cancellation or withdrawal of registration of a trade union being presented to him, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary and examine any officer of such union.

(4) The Registrar shall, when he proposes to withdraw or cancel the certificate of registration of a trade union under clause (*b*) of section 10, cause to be served a notice in Form D on the trade union through its Secretary in person or by registered post.

(5) The certificate of registration issued to a trade union under regulation 5 shall be surrendered by the Secretary of the union when the Registrar decides to withdraw or cancel such certificate under clause (*a*) or clause (*b*) of section 10.

Transfer of registration of union.

7. (1) The Registrar, on receipt of a notice of removal of the registered office to any State in India other than the State of Jammu and Kashmir, shall forward to the Registrar of the State to which the head office of the trade union has been transferred a copy of all the entries contained in the register prescribed by regula-

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tion 4 and a copy of the rules of the union with all amendments thereto.

(2) The Registrar of the State to which the head office of the trade union has been transferred will thereupon enter in his register the particulars relating to the trade union and shall certify the fact of such registration on the certificate issued under regulation 5. The Secretary of the union shall present the certificate to the Registrar for this purpose.

(3) The procedure prescribed in clause (2) above shall be followed in respect of a trade union whose head office has been transferred to the Mysore State:

Provided that, if the name of the trade union the head office of which has been so transferred is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require such trade union to change its name and shall refuse to act under clause (2) until such change has been made.

Registration of change of name.

8. When the Registrar registers a change of name under sub-section (3) of section 25, he shall certify under his signature at the foot of the certificate issued under regulation 5 that the new name has been registered. The Secretary shall present the certificate to the Registrar for this purpose.

Amalgamation of trade unions.

9. On receipt of notice of amalgamation under sub-section (1) of section 25 if the head office of the amalgamated trade union is in the Mysore State the Registrar shall consult the Registrars of the trade unions in the State in India so amalgamating, if any, before registering the amalgamated trade union under sub-section (4) of the said section.

When the amalgamated trade union is registered under sub-section (4) of the said section it shall be assigned a new number in the register in Form B and the Registrar shall issue a new certificate in Form C therefor. He shall also note the fact of amalgamation against the entries, if any, relating to the trade unions so amalgamated in the register in Form B and send intimation of the registration of the amalgamated union to the Registrars of the trade unions so amalgamated in other States in India, if any.

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Fees.

10. The fee payable for the registration of a trade union shall be Rs. 5.

Amendment of rules.

11. (1) On receiving a copy of the alteration made in the rules of a trade union sent under sub-section (3) of section 28, the Registrar after satisfying himself that the alteration has been made in the manner laid down by the rules of the trade union and is not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto to the effect that the alteration has been duly registered by him.

(2) The fee payable for registration of alterations of rules shall be Re. 1 for each set of alterations made simultaneously.

Appeals.

12. Any appeal made under sub-section (1) of section 11 shall be filed within sixty days of the date of the order against which the appeal is made.

Dissolution of trade union.

13. (1) Along with the notice of dissolution under sub-section (1) of section 27 the certificate issued under regulation 5 shall be surrendered. When the Registrar registers the dissolution, he shall send an intimation of the fact of such registration under his signature to the Secretary of the trade union.

(2) Where it is necessary for the Registrar, under sub-section (2) of section 27, to distribute the funds of a trade union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members on roll at the time of dissolution, by way of subscription to the several funds of the trade union during their membership. In the event of the death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to each member to his legal representative.

Return.

14. The annual return to be furnished under section 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in Form E.

Auditors.

15. (1) The annual audit of the accounts of a registered trade union shall be conducted by:

(*a*) the auditor authorised to audit the accounts of companies registered under the Indian Companies Act, 1913, (Central Act III of 1913); or

(*b*) where the membership of a trade union did not at any time during the financial year exceed 2,500,

(i) by any local fund auditor appointed by the State Government, or

(ii) by the controller of State Accounts, or

(iii) by a person, who having held an appointment under Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 150 per mensem, or

(*c*) where the membership of a trade union did not at any time during the financial year exceed 750,

(i) by any two persons holding office as Magistrates or Judges or as members of any Municipal Council or the Corporation of the City of Bangalore, District Board or Legislative Body, or

(ii) by any person, who, having held an appointment under Government in any audit or accounts department is in receipt of a pension from Government of not less than Rs. 75 a month, or

(iii) by any auditor appointed to conduct the audit of Co-operative Societies or by the Registrar of Co-operative Societies or by any Provincial Co-operative organisation recognised by Government for this purpose, or

(*d*) where the membership of a trade union did not at any time during the financial year exceed Rs. 250 by any two members of the union.

(2) Where the trade union is a federation of unions, and the number of unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than 2,500, 750 or 250, respectively.

16. Notwithstanding anything contained in regulation 15, no person, who, at any time during the year, was entrusted with any part of the funds or securities

Exception.

belonging to the trade union shall be eligible to audit the accounts of that Union.

Audit.

17. The auditor or auditors appointed in accordance with the regulations shall be given access to all the books of the trade union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to Form E, indicating separately on that form, under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate:

(*a*) every payment which appears to be unauthorised by the rules of the trade union or contrary to the provisions of the Act,

(*b*) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person,

(*c*) the amount of any sum which ought to have been but is not brought to account by any person.

Audit of political funds.

18. The audit of the political fund of a registered Trade Union shall be carried out along with the audit of the general account of the trade union and by the same auditor or auditors.

Inspection.

19. (1) The register of trade unions maintained in accordance with regulation 4, shall be open to inspection by any person on payment of a fee of annas eight.

(2) Any documents in the possession of the Registrar received from a registered trade union may be inspected by any person on payment of a fee of annas eight for each document inspected.

(3) Documents shall be open to inspection on all days on which the Office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) Copies of any of the documents specified in clause (2) may be obtained from the Registrar on payment of copying charges at such rates as may be fixed by him in that behalf.

SCHEDULE I. 335

List of Officers.

Title	Name	Age years.	Address	Occupation.

NOTE.—Enter in this Schedule the names of all members of the executive of the Union, showing in column 1 the names of any posts held by them (*e.g.*, President, Secretary, Treasurer, etc.) in addition to their offices as members of the executive.

SCHEDULE II.

Reference to Rules.

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below:—

Matter 1	Number of rules 2
Name of Union.—	
The whole of the objects for which the Union has been established.	
The whole of the purposes for which the general funds of the Union shall be applicable.	
The maintenance of a list of members ...	
The facilities provided for the inspection of the list of members by officers and members.	
The admission of ordinary members ...	
The admission of honorary or temporary members...	
The conditions under which members are entitled to benefits assured by the rules.	
The conditions under which fine or forfeitures can be imposed or varied.	
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the members of the executive and other officers of the Union shall be appointed and removed.	
The safe custody of the funds	
The annual audit of the accounts	
The facilities for the inspection of the account books by officers and members.	
The manner in which the union may be dissolved ...	

336 SCHEDULE III.

(This need not be filled in if the Union came into existence less than one year before the date of application for registration).

Statement of Liabilities and Assets on the day of.....19

Liabilities	Rs. a. p.	Assets	Rs. a. p
Amount of general fund.		Cash ...	
Amount of political funds.		In hands of Treasurer ...	
Loans from ...		In hands of Secretary ...	
Other liabilities (to be specified).		In hands of ...	
		In the Bank ...	
		In the Bank ...	
		Securities as per list below:	
		Unpaid subscriptions due ...	
		Loans to ...	
		Immovable property Goods and furniture.	
		Other assets (to be specified)	
Total liabilities		Total assets	

LIST OF SECURITIES.

Particulars	Nominal value	Market value	In hands of

Signed 1
2
3
4
5
6
7

FORM A.

Application for Registration of Trade Union. 337

Dated the.....day of.....

1. We hereby apply for the registration of a trade union under the name of

2. The address of the head office of the Union is

3. The Union came into existence on the day of.....19 .

4. The union is a union of employers/workers engaged in the industry (or profession).

5. The particulars required by section 5(1) (c) of the Indian Trade Unions Act, 1926, are given in Schedule I.

6. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Indian Trade Unions Act, 1926.

7. (To be struck out in the case of unions which have not been in existence for one year before the date of application). The particulars required by section 5(2) of the Indian Trade Unions Act, 1926, are given in Schedule III.

8. We have been duly authorised to make this application,

Signature	Occupation	Address
Signed 1		
2		
3		
4		
5		
6		
7		

*State here whether the authority was given by a resolution of a general meeting of the Union, if not in what other way it was given.

To

The Registrar of Trade Unions for the Mysore State, Bangalore.

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Register of Trade Unions.

1. Serial Number.
2. Date of registration.
3. (*a*) Names of the members making the application ;
   (*b*) Occupations of the members making the application ;
   (*c*) Addresses of the members making the application.
4. Name of Trade Union.
5. Address of the head office of Trade Union.
6. Date of establishment of Trade Union.
7. Officers of Trade Union :—
   Title
   Name
   Age
   Occupation
   Address
8. Signature of the Registrar.
9. (*a*) Whether provision has been made for a separate fund under section 16 and if so from what date ;
   (*b*) Initials of the Registrar.
10. (*a*) Date of intimation for alteration of rules ;
    (*b*) Date of registration of alteration of rules and issue of a certified copy thereof ;
    (*c*) Initials of the Registrar.
11. (*a*) Date of registration of change of address of registered office ;
    (*b*) Address of the Trade Union as changed ;
    (*c*) If the changed address is in any State in India, whether extracts of registration sent to the Registrar of that State.
    (*d*) Initials of the Registrar.
12. (*a*) Date of registration of change of name ;
    (*b*) Name of the Trade Union as changed ;
    (*c*) Initials of the Registrar.
13. (*a*) Date of Registration of amalgamation ;
    (*b*) Name of the amalgamated Union ;
    (*c*) Registration number of the amalgamated union ;
    (*d*) Initials of the Registrar.
14. (*a*) Date of application for cancellation of registration under section 10 (*a*) ;
    (*b*) Date of giving notice for cancellation or withdrawal under section 10 (*b*) ;
    (*c*) Date of issue of order withdrawing or cancelling registration ;
    (*d*) Initials of the Registrar.
15. (*a*) (1) Names of the members applying for dissolution ;
    (2) Occupations of the members applying for dissolution;
    (3) Addresses of the members applying for dissolution ;
    (*b*) Date of registration of dissolution and issue of certificate to that effect ;
    (*c*) Number and date of Registrar's Proceedings ordering distribution of funds under section 27(2) if any ;
    (*d*) Initials of the Registrar.

NOTE.—One page shall be allotted for each union.

FORM C.

Certificate of Registration of Trade Union.

No.

It is hereby certified that the..... has been registered under the Indian Trade Unions Act, 1926 this day of..... .....195 .

Registrar of Trade Unions
for the Mysore State, Bangalore.

Seal.

FORM D.

OFFICE OF THE
REGISTRAR OF TRADE UNIONS
FOR THE MYSORE STATE, BANGALORE.
Place.....

Indian Trade Unions Act, 1926 (XVI of 1926).

Notice before withdrawal or cancellation of certificate of registry under clause (b) of section 10 of the Act.

.....Trade Union.

Register No.

Notice is hereby given to the abovementioned Trade Union that it is the intention of the Registrar to proceed on the* date of .....195 , to withdraw (or cancel) the certificate of registration of the Trade Union unless cause be shown to the contrary in the meantime.

The ground of such proposed withdrawal (or cancellation) is that the certificate of registration has been obtained by fraud (or mistake), or that the Trade Union has ceased to exist or has wilfully and after notice from me violated the provisions of the abovementioned Act, or allowed its rule..... .....to continue in force which is/are inconsistent with the provisions of the Act or has rescinded its rule.....providing for a matter provision for which is required by section 6.

(The facts should be briefly specified where practicable).

(Signature)
Registrar.

Dated.....day of.....195 .

*The date entered here shall not be less than two months from the date of notice.

To

THE SECRETARY TO
(here enter name of Trade Union).

340 **FORM E.**

(Annual return prescribed under section 28 of the Indian Trade Unions Act, 1926, for the year ending 31st March 195).

Name of Union.
Registered Head Office.
Number of certificate of registration.

Return to be made by Federations of Trade Unions. This return need not be made by Federation of Trade Unions.	Number of unions affiliated at beginning of year. Number of unions joining during the year. Number of unions disaffiliated at the end of year. Number of members on books at the beginning of year. Number of members admitted during the year (add together). Number of members who left during the year (deduct). Total number of members on books at the end of the year. Males. Females. Number of members contributing to political fund.

A copy of the rules of the Trade Union, corrected up to the date of despatch of this return, is appended.

Dated the..... .....

Secretary.

Statement of Liabilities and Assets on the day of 195 .

Liabilities	Rs. a. p.	Assets	Rs. a. p.
Amount of General Fund		Cash	
Amount of Political Fund		In hands of Treasurer	
Loans from		In hands of Secretary	
Debts due to		In hands of.....	
Other liabilities (to be specified)		In the.....Bank.	
		In the.....Bank.	
		Securities as per list below.	
		Unpaid subscriptions due	
		Loans to	
		Immovable property.	
		Goods and furniture.	
		Other assets (to be specified).	
Total Liabilities		Total Assets	

POLITICAL FUND ACCOUNT.

	Rs. a. p.		Rs. a. p.
Balance at beginning of year ...		Payments made on objects specified in Section 16 (2) of the Indian Trade Unions Act, 1926 (to be specified) ...	
Contributions from members at ....per member ...		Expenses of managements (to be fully specified) ...	
		Balance at the end of year ...	
Total ...		Total ...	

Treasurer.

AUDITOR'S DECLARATION.

The undersigned, having had access to all the books and accounts of the Trade Union and having examined the foregoing statements and verified the same with the account vouchers relating thereto now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

The enclosed list, prepared by the Union, of the ordinary members who had actually paid their suscriptions to the union as fixed by the rules thereof for the financial year by the 31st March, has been checked by me and a certificate to that effect is appended to the list.

Auditor.

The following changes of officers have been made during the year.

OFFICERS RELINQUISHING OFFICE.

Name	Office	Date of relinquishing office

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LIST OF SECURITIES.

Particulars	Nominal value	Market value at date on which accounts have been made up	In hands of

Treasurer.

GENERAL FUND ACCOUNT.

Income		Expenditure	
	Rs. a. p.		Rs. a. p.
Balance at beginning of year		Salaries, allowances and expenses of officers ...	
Contributions from members at.....per member ...		Salaries, allowances and expenses of establishment.	
Donations ...		Auditor's fees ...	
Sale of periodicals, rules, etc.,		Legal expenses ...	
Interests on investments ...		Expenses in conducting trade disputes ...	
Income from miscellaneous sources (to be specified)...		Compensation paid to members for loss arising out of trade disputes ...	
		Funeral, old age, sickness, unemployment benefits, etc. ...	
		Educational, social and religious benefits ...	
		Cost of publishing periodicals ...	
		Rents, rates and taxes ...	
		Stationery, Printing and postage ...	
		Expenses incurred under section 15(11) of the Indian Trade Unions Act, 1926 (to be specified).	
		Other expenses (to be specified) ...	
		Balance at the end of year.	
Total ...		Total ...	

Officers appointed. 343

Name	Age	Office	Address	Occupation	Date of appointment

Secretary.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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